



10 STEPS TO CONSERVATION EASEMENTS

1. Reach out to Shenandoah County Staff

The first step is to reach out to Shenandoah County Staff about your interest for a conservation easement. Our staff will help guide you through your options and determine which may be the best for you and your needs. We ask that you come to us with a general idea for what you want to see for the future of the property, but we are also here to help you think through all the ideas you may have for the future of the land. We have a form that you can fill out and use to help you in determining aspects you may want to pay attention to with the easement and how we can help you convey the easement in a timely manner.

2. Think about the vision for your property

Conservation Easements are for forever and we want yours to be tailored to your needs and desires for the land. Its good for us to know from the start if you are interested in changes to the property such as a new barn, chicken house, greenhouse, or additional houses. There may be a part of your land that is forested and you may want to convert it into pasture at some point, or you may be open to converting part of a pasture or field into a forested area. All of these and more are examples of ideas that we want to hear from the beginning so we can make sure your easement protects your vision for the property. It may be helpful to draw out your ideas on a map so we can understand it too.

3. Determine Coholder and methods for funding

Our Conservation Easement Authority requires that all easements first consider having a coholder, which is a land trust that works with Shenandoah County to make sure your desires are upheld for years to come. Typically there are fees that are associated with land trusts as they are committing to monitor your easement forever. Shenandoah County may charge a fee if you are allowed to move forward without a coholder, in addition to any fees related to consultants. If you have chosen a purchase rather than a donation, then we will also work with you to determine if there is funding for your request. The ability to fund a request will play into the Conservation Determination.

4. Conservation Determination

We want to make sure your time isn't wasted and that we provide the best attention we can to your conservation easement. In order to make sure your request is accepted by the Conservation Easement Authority, we will have you fill out a form that we will use to present your potential conservation easement to the Authority to see if they are interested in your proposal and wish to move forward, or if they have comments that may need to be addressed. If the Conservation Easement Authority expresses an interest, then we will provide you an application form for the Conservation Easement and a template that you can use to start outlining your easement.

5. Consultant Reports

In order to convey your easement, we will need an appraiser to provide a report on the conservation value of the property, a surveyor to provide an accurate and up-to-date survey of the property, and if you are working with an attorney you will have them help you with drafting the terms of your easement. If you are not working with an attorney, we will have to make sure your draft Easement will be in a form that we can accept.

6. Internal review of the first draft of easement

Shenandoah County Staff in addition to staff from the Coholder/land trust that you have chosen to work with will review your draft deed of easement and provide feedback for changes that may need to occur in order for the County and/or for the Coholder to be able to accept the Easement. There may be certain requests for your easement that cannot be upheld but other methods could (example we cannot determine whether or not a business is taking place on the property but we can monitor signage). Once the changes are noted and you and your attorney (if you are working with one) agree to the changes then we will proceed with the Easement.

7. Recommendation for approval and Board review

Once all parties have agreed to the status of the Easement it will be presented to the Conservation Easement Authority to make any final recommendations and then they will make a recommendation to the Board of Supervisors. The Board of Supervisors will then review the Easement and either approve it or provide comments on potential changes to the Easement. At the same time, if you are working with a Coholder/land trust, their Board will also review the Easement and provide any comments for changes or approve it and allow for it to move forward to the next and final steps for conveyance.

8. Baseline Documentation Report

Prior to recording the deed of Easement, either Shenandoah County, the Coholder/land trust, or a consultant will conduct an analysis of the property by taking pictures, outlining on a map, and writing notes of the status of the property at the time of recordation. This report will be used when either County Staff or a staff member of the Coholder/land trust travel to the property in order to monitor the status of the report so that the terms of the Easement are upheld. A copy of the report will be shared with you to make sure that it meets the standards you have set forth and we or the coholder/land trust will have you sign an acceptance sheet.

9. Finalizing Deed of Easement

The Coholder/land trust and Shenandoah County Staff will inform you of any final changes or tweaks that may need to be made with the deed of Easement. The recommendations will be shared with you to see if you accept any changes and allow for you to provide any comments or changes that you see fit for the easement prior to the recordation of the easement. Once all edits and changes are made, all legal owners must sign the deed and any mortgage lender and its trustees must sign the deed to subordinate the deed of trust to the deed of easement. We sign the deed last after the Application and Disclosure and signed BDR Acknowledgement form are in our files.

10. Recordation

Shenandoah County and the Coholder/land trust will send the fully executed deed of easement to you or your attorney, who will record the deed after a final title search ("performing a title bring-down"), In certain circumstances, our staff may record the deed after receiving the final title report. You should obtain and keep a copy of the recorded deed of easement for your files. Once this is completed, you can celebrate the conveyance of your easement. Once filed, you may either pursue the sale/use of tax credits or obtain the funds from the purchase if that is the route that you have chosen for the Easement.

For more information, contact:
Shenandoah County
Conservation Easement Authority
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Woodstock, Va 22664

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